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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,267	01/23/2004	Ross Armstrong	720004.535	6180

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EXAMINER
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TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/764,267

Applicant(s)

ARMSTRONG ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-29 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

This application contains claims 28 and 29 drawn to an invention nonelected in Paper No. 03312006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Helland et al. (U.S. Patent No. 6,415,712).

Helland discloses a strap guiding assembly for use on a strapping machine to guide a strap into an accumulator, the assembly comprising: a first member (Figs. 10-12); a plurality of rollers rotationally coupled to the first member (Fig. 12; via wheels/rollers 352, 360, 362, 364, and 368); a second member (Figs. 10-12; via 366 and 376) having a curved surface aligned with an entrance for receiving the strap (via the curved section 376), wherein the first member (via 368) is movably coupled to the second member (via 366) to move between a first configuration in which the strap is constrained between the curved surface and the rollers (column 10, lines 46-49; via “disengage” refers to moving 368 away from 366), and a second configuration in which the strap is unconstrained and free to move into the accumulator (column 10, lines 46-63); and

Art Unit: 3721

wherein the plurality of rollers are configured to follow a path complementary to at least a portion of the curved surface (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 20: wherein the curved surface is convex and oriented toward the accumulator to give the strap an initial curvature when the assembly is in the first configuration such that the strap will tend to move into the accumulator when the assembly moves into the second configuration (Figs. 10-12).

Regarding claim 21: wherein the first member moves toward the second member when the assembly moves into the first configuration, and moves away from the second member when the assembly moves into the second configuration, see for example (Figs. 10-12 and column 10, lines 46-63).

Regarding claim 22: further comprising an actuation mechanism to selectively move the assembly between the first and second configurations (Figs. 2, 3, 10, and 11).

Regarding claim 23: wherein a curve intersecting a respective centerline of the plurality of rollers is substantially similar to at least a portion of the curved surface of the second member, see for example (Figs. 10 and 11).

Regarding claim 24: a strap guiding assembly to guide a strap, the assembly comprising a first member; a plurality of rollers rotationally mounted to the first member (Figs. 10 and 11; via rollers 352 and 362), a second member having a curved surface (via 376); and an actuation mechanism to translationally move the first member into one of a first position or a second position, the first position wherein the first member is in close proximity to the second member to allow the plurality of rollers to cooperate with the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position

Art Unit: 3721

wherein the first member is spaced apart from the second member, see for example (Figs. 3, 7, and 10-12; column 10, lines 46-63).

Regarding claim 25: wherein the first member is biasly coupled to the second member, see for example (Figs. 10 and 11).

Regarding claim 26: a strap guiding assembly to guide a strap, the assembly comprising; a first member; a plurality of rollers rotationally mounted to the first member; a second member having a curved surface, and an actuation mechanism to move the first member into one of a first position or a second position, the first position wherein a guide channel is located between the plurality of rollers and the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface, the second position wherein the first member is spaced apart from the second member to eliminate the guide channel, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

Regarding claim 27: a strap guiding assembly comprising: surface means having a curved portion; roller means cooperating with the surface means to guide a strap along the curved portion of the surface means; and actuation means for moving the roller means apart from the surface means to allow the strap to move away from the curved portion of the surface means and into an accumulator, see for example (Figs. 2, 3, 7, 10-12 and column 10, lines 46-63).

### ***Response to Arguments***

Applicant's arguments with respect to claims 19-27 have been considered but are moot in view of the new ground(s) of rejection. Note that based on the amendment to claim 19, the office has interpreted the patent of Helland differently.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', followed by a long, horizontal, slightly wavy line that extends to the right.

ST.